

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

CAROL S HEIDECKER
TX-1333476-R

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DOCKETED COMPLAINT NO. 10-364

AGREED FINAL ORDER

On this the 3rd day of May, 2011, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Carol S. Heidecker (Respondent).

In order to conclude this matter Carol S. Heidecker neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent, Carol S. Heidecker, is a state certified residential real estate appraiser, holds certification number TX-1333476-R, and has been certified by the Board during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about October 4th, 2005, the Respondent appraised real property located at 612 Hill Road, Houston, Texas 77068 ("the property").
4. Thereafter a staff-initiated complaint was filed with the Board based on allegations that the Respondent had produced an appraisal report that contained various USPAP violations.
5. On or about August 5th, 2010, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.

4. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a) Respondent failed to identify and report the site description adequately;
- b) Respondent failed to provide support for his site value determination and analysis in his work file or report. Respondent also failed to use an appropriate method or technique to develop his determination of the site value;
- c) Respondent failed to collect, verify, analyze and reconcile comparable sales data adequately and failed to employ recognized methods and techniques in her sales comparison approach;
- d) Respondent failed to analyze all agreements of sale, options or listings of the subject property current as of the effective date of the appraisal;
- e) Respondent failed to analyze all sales of the subject within three years prior to the effective date of the appraisal; and,
- f) Respondent's report contained substantial errors of commission or omission which resulted in a misleading appraisal report.

6. Respondent negligently omitted material facts and made negligent material misrepresentations in the appraisal report for the property as detailed above.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-4(b)(i) & 2-2(b)(ix); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(ix); 1-5(b) & 2-2(b)(ix); 1-1(a); 1-1(b); 1-1(c) and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making negligent material misrepresentations and omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
 - 1. Respondent shall submit a written, signed, dated, 2-page report to the Board

within 30 days of completion of this course. The written report shall explain what Respondent has learned from the course and how Respondent intends to apply this material to Respondent's appraisal practice to avoid future violations;

b. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach or a 7 classroom-hour course in Valuation by Comparison;

1. No examination shall be required for the Valuation by Comparison course;

c. Participate in a minimum of 5 hours of in-person, face-to-face, mentorship / training under the direction and guidance of James Jacobs on or before December 31st, 2011. At the conclusion of the required hours of mentorship / training, Respondent shall submit to the Board a notarized affidavit by James Jacobs attesting that Respondent completed all the required hours of mentorship within the prescribed timeframe;

d. Comply with all future provisions of the Act, the Rules of the Board, and USPAP in the future or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **ON OR BEFORE DECEMBER 31ST, 2011** and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

ALL HOURS OF MENTORSHIP required by this Agreed Final Order must be completed with the mentor prescribed herein and completed **ON OR BEFORE DECEMBER 31ST, 2011** and documentation of successful completion of the mentorship requirements of this Order shall be delivered to the Board **ON OR BEFORE DECEMBER 31ST, 2011**.

Failure to comply with any of the terms required by this Agreed Final Order within the time allotted shall result in **IMMEDIATE SUSPENSION** of the Respondent's certification pursuant to notice to the Respondent from the Board indicating that the Respondent has not fulfilled the required terms of this Agreed Final Order.

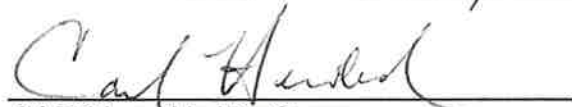
ANY SUCH SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS.

Respondent shall be notified of any such suspension or lifting of probation by certified mail, return receipt requested, to the last known address as provided to the Board. If Respondent's certification is suspended on such a basis, the suspension shall remain in effect until such time as Respondent satisfies that portion of the Agreed Final Order which she has defaulted on and provides adequate documentation of same to the Board.

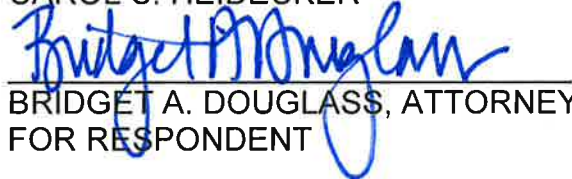
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 3rd day of May, 2011.



CAROL S. HEIDECKER



BRIDGET A. DOUGLASS, ATTORNEY
FOR RESPONDENT

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the _____ day of _____, 2011, by CAROL S. HEIDECKER, to certify which, witness my hand and official seal.

Notary Public Signature

Notary Public's Printed Name

Signed by the Standards and Enforcement Services Division this 19th day of MAY, 2011.



Troy Beaulieu, TALCB Staff Attorney

Signed by the Commissioner this 20th day of May, 2011.



Douglas E. Oldmixon, Commissioner

Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 20th day of May, 2011.



Luis De La Garza, Chairperson
Texas Appraiser Licensing and Certification Board